

**UNITED STATES DISTRICT COURT  
EASTERN DISTRICT OF MISSOURI  
EASTERN DIVISION**

UNITED STATES OF AMERICA,	)	
	)	
Plaintiff,	)	
	)	
v.	)	No. 4:16CR32 RLW
	)	
WILLIAM SHERMAN HART,	)	
	)	
Defendant.	)	

**MEMORANDUM AND ORDER**

This matter is before the Court on the Report and Recommendation of United States Magistrate Judge Nannette A. Baker (ECF No. 52). Defendant Hart filed a Motion to Suppress Evidence and Statements (ECF No. 25), and the Government filed a Response to Defendant's Motion to Suppress Evidence and Statements (ECF No. 26). On July 29, 2016, Magistrate Judge Baker held an evidentiary hearing on the motion. After the hearing, the parties filed post-hearing briefs (ECF Nos. 47, 51).

Pursuant to 28 U.S.C. § 636(b), this matter was referred to United States Magistrate Judge Baker, who filed a Report and Recommendation on October 25, 2016 (ECF No. 52). Defendant Hart filed Objections to the Report and Recommendation on November 8, 2016 (ECF No. 56), and the Government filed its Objections to Report and Recommendation on November 14, 2016 (ECF No. 57). Defendant then filed a response in opposition to the Government's Objections (ECF No. 61). Defendant Hart summarily states that he objects to Magistrate Judge Baker's findings in the Report and Recommendation, asserting that they were not supported by the evidence or the law. However, Defendant fails to provide any countervailing rationale for his position, other than the arguments previously raised before the Magistrate Judge. The

Government objects to the Magistrate Judge's finding that Officer Wethington provided false and misleading information in the Affidavit, and his statement constituted reckless disregard for the truth. The Court finds that Defendant Hart's objections to the Report and Recommendation are not persuasive. Further, the Court finds that the Government's objections to Magistrate Judge Baker's findings regarding Officer Wethington's Affidavit are also unpersuasive and will not be sustained.

Magistrate Judge Baker recommends that the Motion to Suppress Evidence and Statements (ECF No. 25) and request for a *Franks* hearing be denied. After *de novo* review of this matter, the Court adopts the Magistrate Judge's recommendation.

Accordingly,

**IT IS HEREBY ORDERED** that the Memorandum, Report and Recommendation of United States Magistrate Judge Nannette A. Baker (ECF No. 52) is **SUSTAINED, ADOPTED, AND INCORPORATED** herein.

**IT IS FURTHER ORDERED** that Defendant Hart's Motion to Suppress Evidence and Statements (ECF No. 25) is **DENIED**.

Dated this 13th day of December.

  
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RONNIE L. WHITE  
UNITED STATES DISTRICT JUDGE